

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	<u>CV 12-9388 CAS (FFMx)</u>	Date	<u>December 3, 2012</u>
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Title	<u>EVANDER HOLYFIELD V. JULIEN ENTERTAINMENT.COM, INC., ET AL</u>
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Present: The Honorable	<u>CHRISTINA A. SNYDER</u>
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<u>CATHERINE JEANG</u>	<u>Not Present</u>	<u>N/A</u>
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Deputy Clerk	<u>Court Reporter / Recorder</u>	<u>Tape No.</u>
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Attorneys Present for Plaintiffs:	<u>Attorneys Present for Defendants</u>
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<u>Not Present</u>	<u>Not Present</u>
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Proceedings: **(In Chambers:)** ORDER RE: PRELIMINARY INJUNCTION

Plaintiff filed the instant action in this Court on November 1, 2012. Plaintiff's complaint asserts eight claims for relief: (1) conversion, (2) unfair business practices, (3) breach of fiduciary duty, (4) breach of oral contract, (5) anticipatory breach of oral contract, (6) false promise, (7) misrepresentation, and (8) declaratory relief. In short, plaintiff's lawsuit seeks to prevent defendants from auctioning twenty of his possessions (which plaintiff refers to as the "Not For Sale Items") on November 30, 2012 ("the auction"). Further background facts are set forth in the Court's order dated November 21, 2012. Dkt. # 39.

On November 21, 2012, the Court granted plaintiff's request for a temporary restraining order, and on November 28, 2012, the Court required plaintiff to post a \$250,000 security. Plaintiff posted the required security on November 29, 2012.

In the Court's November 21, 2012 order, the Court ordered defendants to show cause why a preliminary injunction should not issue restraining defendants from auctioning the Not For Sale Items. On November 27, 2012, defendants submitted to the Court that because a temporary restraining order had already been approved, defendants did not oppose the issuance of a preliminary injunction enjoining an auction of the Not For Sale Items until resolution of the parties' dispute. Dkt. # 44.

The Court therefore finds that a preliminary injunction restraining defendants from auctioning the Not For Sale Items should issue. Plaintiff is hereby ORDERED to submit a form of injunction that complies with the terms of this order and the Court's November 21, 2012 order. Additionally, pursuant to Federal Rule of Civil Procedure 65(b)(2), the

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temporary restraining order shall remain in effect until the Court issues a preliminary injunction because defendants, under the circumstances, do not oppose the issuance of a preliminary injunction. Fed. R. Civ. Proc. 65(b)(2) (a temporary restraining order “expires at the time after entry--not to exceed 14 days--that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension.”).

IT IS SO ORDERED.

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